

ZB# 85-2

9W Tennis Club, Inc.

37-1-16.21

85-2 - 900 Tennis Corp.
Club, Inc.

Prelim:

1/14/85.

1/14/85 - Notice to Sentinel

1/17/85 - CPD ~~notified~~ notified ✓

Public Hearing:

Use 1/28/85.
Variance Granted - Light
Approved - (2) Industry Use.
restrictions

File w/ Town Clerk

15
15
15

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
February 11, 1985

MEMBERS PRESENT: Daniel P. Konkol, Chairman
Jack Babcock, Vice Chairman
James Nugent
John Pagano
Vincent Bivona
Joseph Skopin

MEMBERS ABSENT: Richard Fenwick

ALSO PRESENT: Andrew S. Krieger, Esq.,
Attorney for Board
Patrick Kennedy, Bldg/Zoning Inspector
Patricia Delio, Secretary

The February 11, 1985th session of the Zoning Board of Appeals was called to order at 7:30 p.m. by Chairman Daniel P. Konkol. Secretary called the roll.

Motion followed by James Nugent, seconded by John Pagano to accept the minutes of the 1/28/85 meeting as written. ROLL CALL: 4-0. (Two members not present for motion).

PRELIMINARY MEETING:

CUMBERLAND FARMS - Request for construction of food market and gasoline filling station on Union Avenue/Browning Road in an R-4 (residential - one family) zone. Proposed use not permitted in zone. In accordance with notice of disapproval received from Building Inspector Kennedy, a use variance and special permit are required (special permit for gasoline pumps). Owner of property is Fred Warmers; CUMBERLAND FARMS is contract purchaser. Elias D. Grevas, L. S., present, representing applicant.

Mr. Warmers was present with Mr. Grevas and both presented a plan of the proposed operation. Mr. Grevas stated that there are no present plans for the balance of the property and that Cumberland plans to purchase entire piece. Mr. Grevas presented a piece of correspondence dated 2/8/85 from Unireal (Starin) stating that the property has been for sale, as zoned, for a number of years.

Chairman Konkol requested that a copy of the deed and/or contract of sale be presented at future date with photographs of the property in question.

Motion then followed by James Nugent, seconded by John Pagano to schedule a public hearing upon the return of the paperwork. ROLL CALL: 6-0.

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February 11, 1985

PUBLIC HEARING in the Matter of the Application of FRANKLIN ASSOCIATES (BARCLAY MANOR, INC.) and request for use variance to lease former A & P structure to Kollmorgen Corp./Macbeth for purpose of professional building with design center, model shop and computer room in an NC (neighborhood/commercial) zone.

Irving Pesetzky, Esq., attorney for FRANKLIN ASSOCIATES (owners) was present and presented: (1) Applications; (2) Affidavit of Publication in The Sentinel; (3) List from Assessor's Office containing 70 names and addresses from adjacent property owners; (4) 63 return receipts from adjacent property owners; (5) Copy of Deed; (6) Copy of Lease; (7) Site Plan; (8) Fee in the sum of \$50.00 for variance application.

Also present was Mr. Myron Langer, Director of Engineering of Kollmorgen/Macbeth. Mr. Langer presented copies of the proposal from Kollmorgen Corporation. Mr. Langer stated that the hours of operation would be from 8 a.m. to 4:30 p.m. on weekdays; only office personnel to be manning operation on weekends. All equipment to be used in the model shop is FCC registered. Noise level will be minimal. There will be no sign on building; only free-standing sign will be replaced.

Mr. Pesetzky stated that Orange County Planning Dept. was notified, but no response has been received to date.

There were approximately 2 spectators present for the meeting and, although no objections to the application were voiced, spectators present had some question concerning the noise level and/or interference with reception.

Public hearing was recorded on Tape #137 and #138 on file in Secretary's office.

After the close of the public hearing, motion was made by Jack Babcock, seconded by Joseph Skopin to grant a use variance to FRANKLIN ASSOCIATES with the following restrictions attached thereto: (1) Use variance granted to applicant until 12/87 with option of renewing for a four-year period; (2) The use variance is granted as an auxiliary to the professional office use for up to 1,500 sq. ft. to be used for research, development and model shop with model makers for the construction and assembly of prototypes with no storage of hazardous chemicals or materials; (3) Allowable noise level is to be in the area of 90 decibels and not to exceed same; (4) Hours of operation: 8 a.m. to 4:30 p.m. weekdays.

ROLL CALL:	Mr. Skopin:	Yes
	Mr. Bivona:	Yes
	Mr. Pagano:	Abstaining
	Mr. Nugent:	Yes
	Mr. Babcock:	Yes
	Mr. Konkol:	Yes

Motion carried 5 ayes - 1 abstention. Application approved.
Formal decision to follow.

February 11, 1985

PUBLIC HEARING in the matter of the Application of ANDREW MIGLIORE for construction of one-family dwelling off Bull Road in an R-1 zone with 13.3 ft. insufficient frontyard.

Elias D. Grevas, L. S., present representing Mr. Migliore, submitted (1) Applications; (2) Affidavit of publication from The Sentinel; (3) List from Assessor's office containing 24 names and addresses of adjacent property owners; (4) 22 return receipts (1 unclaimed) from property owners; (5) check in the sum of \$25.00 for variance application fee.

Mr. Grevas also presented the following pieces of correspondence from adjacent property owners which were received and filed by Secretary:

1/29/85 - David/Kathy Keller- no objection
- Annette D. Quinn - no objection
- Art/Pat DiLalla- no objection
- Wm./Pat Zambelli - no objection
- Edward A. Zeffer, Jr. - no objection
- Robert/Diane Durant - no objection
- Gerald/Noreen Fioriti -no objection

There were approximately 7 spectators present for public hearing. One spoke in opposition to the application.

Public hearing was recorded on Tape #138 on file in Secretary's office.

Motion was made after public hearing by Joseph Skopin, seconded by John Pagano, to grant 13.3 ft. frontyard variance to applicant in accordance with plans submitted and dated 10/22/84.

ROLL CALL: Mr. Skopin - Yes
Mr. Bivona - Yes
Mr. Pagano - Yes
Mr. Nugent - Yes
Mr. Babcock - Yes
Mr. Konkol - Yes

Motion carried all ayes. Application approved. Formal decision to be drafted and acted upon at an upcoming meeting of the Board.

* * * * *

Last order of business: Motion followed by James Nugent, seconded by John Pagano to accept formal decision as written in the matter of the application of 9W TENNIS CLUB, INC. ROLL CALL: 6-0. Formal decision approved and attached hereto as part of minutes.

Since there was no other business to be brought before Board, motion followed by John Pagano, seconded by James Nugent to adjourn. Motion carried: 6-0. Meeting adjourned.

Respectfully submitted,

Patricia Delio

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

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In the Matter of the Application of

9W TENNIS CLUB, INC.

DECISION GRANTING
USE VARIANCE

85-2.
-----x

WHEREAS, 9W TENNIS CLUB, INC. of Route 9W (P. O. Box 85)
New Windsor, N. Y. 12550 (NC ZONE), has made application before the
Zoning Board of Appeals for a use variance for the purposes of:
leasing or selling building for purposes of assembly of electronic
components;
and

WHEREAS, a public hearing was held on the 28th day of
January, 1985 at the Town Hall, 555 Union Avenue, New
Windsor, New York; and

WHEREAS, applicant appeared by its President, Frank
Davenport; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that applicant, by its agents, has
had the building for sale for approximately four (4) years with no
offers;

3. The evidence shows: that the proposed use will not be
hazardous; there will be no appreciable noise, dust or debris created and
that the outside appearance of the structure will remain the same with
less traffic than the present use.

4. The evidence shows: that proposed use will create
employment in the area;

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

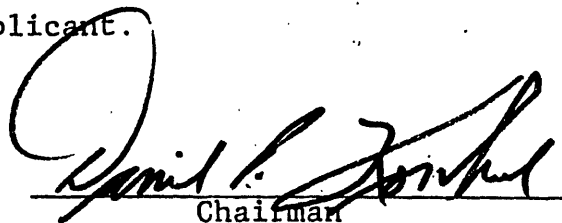
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a use variance as applied for and in connection with plans presented at the public hearing with the following restrictions: *

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: February 11, 1985.



Chairman

- (1) Hours of operation: 7 a.m. to
12 p.m.
- (2) No loading dock on northside of
building.

Memo

FROM: ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

TO:

TOWN PLANNING BOARD
TOWN BUILDING/ZONING OFFICER

DATE: 1/29/85

SUBJECT: PUBLIC HEARING BEFORE ZONING BOARD OF APPEALS

—FOLD HERE—

Please be advised that the Zoning Board of Appeals granted a use variance to 9W TENNIS CLUB, INC. at the 1/28/85 public hearing. Certain restrictions were also placed on the granting of the use variance: (1) Hours of operation are restricted to 7 a.m. to 12 p.m.; (2) No loading dock on the northside of the building. Formal decision to follow.

Patricia Delio, Secretary

/pd

cc: 9W TENNIS CLUB, INC.
P. O.Box 85
Vails Gate, N. Y. 12584

Attn: Mr. Frank Davenport, President

by _____

EST. 1938

John J. Lease

BROKERS

REALTORS

(914) 565-2800

JOHN J. LEASE, SR.
JOHN J. LEASE, JR.
RICHARD F. LEASE

313 Broadway, Newburgh, NY 12550

- SALES
- APPRAISALS
- MORTGAGE LOANS

January 29, 1985

Mr. Daniel Konkol, Chairman
N.W. Zoning Board of Appeals
555 Union Avenue
New Windsor, NY 12550

RE: 9W Tennis Club, Inc.
Route 9W
New Windsor, NY

Dear Mr. Konkol:

This is to inform you that we have had the 9W Tennis Club, Inc. building for sale since June 19, 1982. Although we have made a concentrated effort to sell or lease this real estate, as of this date we have not been successful.

If I can be of further assistance to you in this matter, do not hesitate to contact me.

Very truly yours

JOHN J. LEASE REALTORS

Richard F. Lease
Richard F. Lease
RFL/ml

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

JAN 30 1985

BY: *Dorinda Delis*



*Pat
Copy*

LEGAL NOTICES

**PUBLIC NOTICE OF HEARING
BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New
York will hold a Public Hearing
pursuant to Section 48-34A of the
Zoning Ordinance on the follow-
ing proposition:

Appeal No. 85-2
Request of 9W Tennis Club Inc.
for a VARIANCE of the regula-
tions of the Zoning Ordinance
to permit conversion of existing
indoor tennis court structure to
light industrial use being a
VARIANCE of Section 48-9
Table of Use Regulations - Col.
A for property situated as fol-
lows:

On Route 9W East adjacent to
the Bowling Time Bowling Al-
ley, Town of New Windsor,
New York.

SAID HEARING will take place
on the 28th day of January, 1985,
at the New Windsor Town Hall,
555 Union Avenue, New Windsor,
N.Y. beginning at 7:30 o'clock
p.m.

Daniel P. Konkol
Chairman
by Patricia Delio
Secretary

State of New York
County of Orange, ss:

Everett W. Smith, being duly sworn
disposes and says that he is
Publisher of the E.W. Smith
Publishing Company, Inc. publisher
of The Sentinel, a weekly newspaper
published and of general circulation
in the Town of New Windsor, and that
the notice of which the annexed is
a true copy was published ONCE

in said newspaper, commencing on
the 17th day of JANUARY A.D., 1985
and ending on the 17th day of JANUARY
A.D. 1985

Subscribed and shown to before me

this 23rd day of Jan., 1985

Patricia Delio
Notary Public of the State of New York
County of Orange.

My commission expires 3/30/85.

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970776
Qualified in Orange County
Commission Expires March 30, 1985



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

January 31, 1985

9W TENNIS CLUB, INC.
P.O. Box 85
Vails Gate, N.Y. 12584

Attn: Mr. Frank Davenport, President

RE: APPLICATION FOR USE VARIANCE #85-2

Dear Mr. Davenport:

This is to confirm that the above-entitled application for a use variance was granted at a public hearing held before the New Windsor Zoning Board of Appeals on Monday evening, January 28, 1985.

The following restrictions were placed on the granting of the use variance:

- (1) Hours of operation - 7 a.m. to 12 p.m.
- (2) No loading dock on the northside of the building

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Town Planning Board
Town Building/Zoning Officer Kennedy

Giametta Realtors

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

85-2

Date: 1-9-85

- I. Applicant Information:
- (a) 9W Tennis Club Inc. P.O. Box 85 Vails Gate, N.Y. 562-2040
(Name, address and phone of Applicant) (Owner)
- (b) Ran Electronics Corp. 755 New Ludlow Road, South Hadley Falls, MASS (413) 536-1800
(Name, address and phone of purchaser or lessee)
- (c) Finkelstein, Kaplan, Levine, Gittelson and Tetenbaum, 436 Robinson Ave.
(Name, address and phone of attorney)
- (d) Charles Giametta, Route 9W Marlboro, N.Y. 236-4900
(Name, address and phone of broker)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
☐ Area Variance ☐ Special Permit

- III. Property Information:
- (a) NC Route 9W New Windsor 37-1-16.21 8.1 acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? FP R-4 R-5
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1976
- (e) Has property been subdivided previously? No When?
- (f) Has property been subject of variance or special permit previously? No When?
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of USES, NC Regs., Col. A, to allow:
(Describe proposal) Building is to be used for assembly of electronic components. No hazardous substances will be stored or used. There will be no appreciable noise, dust or debris created. The outside appearance of the structure will remain the same.

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.
- The owner has tried to sell the premises for three years but has had no offers. The owner must sell the premises due to financial difficulties.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	/	/
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	sq.ft.	sq.ft.	sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The outside appearance of the premises will remain the same. The property use will create no noise or dust. There will be no storage of debris or any other material outside the building.

IX. Attachments required:

- | | | |
|--|----------|--|
| | _____ | Copy of letter of referral from Bldg./Zoning Inspector. |
| | _____ * | Copy of tax map showing adjacent properties. |
| * To be supplied | _____ ** | Copy of contract of sale, lease or franchise agreement. |
| ** No written contract has been executed | _____ | Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot. |
| | _____ | Copy(ies) of sign(s) with dimensions. |
| | _____ | Check in the amount of \$ _____ payable to TOWN OF NEW WINDSOR. |
| | _____ * | Photos of existing premises which show all present signs and landscaping. |

X. AFFIDAVIT

Date January 9, 1985

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

9W Tennis Club Inc.

BY:

Frank Davenport
(Applicant)

Sworn to before me this

9 day of January 1985

Frank Davenport

HOWARD S. FINKELSTEIN
Notary Public, State of New York
Duly Qual., Orange County
Commission Expires March 30, 1986

XI. ZBA Action:

(a) Public Hearing date _____.

(b) Variance is _____.

Special Permit is _____.

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

1/28/85 Public Hearing: 9W Tennis Club, Inc.

Name:

Address:

(Traffic)

Don Washburn

Rte 9W, New Windsor

Mary Jayne

Baltard Newburgh

Charles Gemella

P.O. Box 715 Marlboro, NY

M. Rhoda Gemella

P.O. Box 715 Marlboro, NY

C.T. Acquella

P.O. Box 245 Milton, N.Y.

~~Josephine~~

Port Jervis New York

W. Wilson

Rte 9W Cornwall, N.Y.

(Noise)

LEDZIANOWSKI L.W.

9W NEW WINDSOR

(School Buses)

William Montanone

PO BOX 4007 NEW WINDSOR

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 85-2

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date 1/28/85

☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME 9W TENNIS CLUB, INC.

Address Box 85, Vails Gate, N. Y. 12584

Attorney, ~~Engineer, Architect~~ FINKELSTEIN LAWFIRM, Newburgh, NY

3. Location of Site: Route 9W near Caesar's Lane, New Windsor, NY.
(street or highway, plus nearest intersection)

Tax Map Identification: Section 37 Block 1 Lot 16.21

Present Zoning District Neighborhood Commercial Size of Parcel 8.1 acres

4. Type of Review:

☒ Special Permit Use*

☒ Variance* Use Request for light industrial use for assembly of electronic components. (See application attached)
Area

☐ Zone Change* From: To:

☐ Zoning Amendment* To Section:

☐ Subdivision** Major Minor

1/18/85
Date

Patricia Delis Secretary
Signature and Title

*Cite Section of Zoning Regulations where pertinent

**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

OCPD-1

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

cc: Frank
Davenport.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

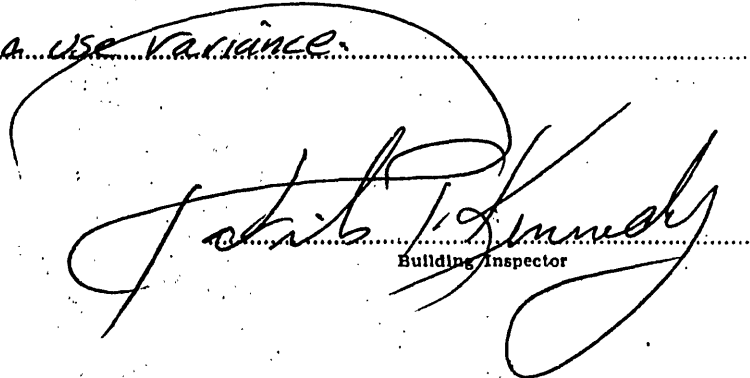
Date January 3, 1984

To 9W Tennis Club, Inc. - Frank Davenport, Pres.
P.O. Box 85
Vails Gate, N.Y. 12584

PLEASE TAKE NOTICE that your application dated January 3, 1984
for permit to Converting existing indoor Tennis Court to Light Industry Use
at the premises located at E. Side N.Y.S. Rte 9W
Tax Map Section 37, Block 1, Lot 16.21

is returned herewith and disapproved on the following grounds:

Proposed use is not a permitted use in a N.C.
neighborhood commercial zone.
Applicant seeks a use variance.


Building Inspector

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Ordinance on the following proposition:

Appeal No. 85-2

Request of 9W Tennis Club Inc.

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit conversion of existing indoor tennis court
structure to light industrial use

being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-9 Table of Use Regulations - Col. A
for property situated as follows:

On Route 9W East adjacent to the Bowling Time
Bowling Alley, Town of New Windsor, New York.

SAID HEARING will take place on the 28th day of
January, 19 85, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

DANIEL P. KONKOL
Chairman

Exhibit "A"

